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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,526	12/13/2004	Jean Sauniere	0509-1082	7122
466 7590 09/06/2007 YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER	
			SELLS, JAMES D	
			ART UNIT	PAPER NUMBER
,			1734	
				<b>.</b>
			MAIL DATE	DELIVERY MODE
			09/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/517,526	SAUNIERE, JEAN				
Office Action Summary	Examiner	Art Unit				
	James Sells	1734				
The MAILING DATE of this communicati	on appears on the cover sheet wi	ith the correspondence address				
Period for Reply	DEDLIVIO OET TO EVEIDE AM	ONTHION OF THIRTY (20) DAVIS				
A SHORTENED STATUTORY PERIOD FOR I WHICHEVER IS LONGER, FROM THE MAILI  - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communica.  - If NO period for reply is specified above, the maximum statutory.  - Failure to reply within the set or extended period for reply will, be Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF THIS COMMUNION CFR 1.136(a). In no event, however, may a ration.  Prepriod will apply and will expire SIX (6) MON y statute, cause the application to become AB	CATION. reply be timely filed  ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed or	1 <u>0 May 2007</u> .					
2a)⊠ This action is <b>FINAL</b> . 2b)[	This action is <b>FINAL</b> . 2b) This action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice u	nder <i>Ex parte Quayle</i> , 1935 C.D	). 11, 453 O.G. 213.				
Disposition of Claims						
4) Claim(s) 42-62 and 83-89 is/are pending	in the application.					
4a) Of the above claim(s) is/are w	ithdrawn from consideration.					
5) Claim(s) is/are allowed.						
, – , , – , , , – , , , , , , , , , , ,	6)⊠ Claim(s) <u>42-62 and 83-89</u> is/are rejected.					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction	and/or election requirement.					
Application Papers	,					
9)☐ The specification is objected to by the Ex	aminer.					
10) The drawing(s) filed on is/are: a)	☐ accepted or b)☐ objected to	by the Examiner.				
Applicant may not request that any objection						
Replacement drawing sheet(s) including the						
11)☐ The oath or declaration is objected to by	the Examiner. Note the attache	d Office Action or form P10-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for t a) All b) Some * c) None of:	oreign priority under 35 U.S.C.	§ 119(a)-(d) or (f).				
<ol> <li>Certified copies of the priority doc</li> </ol>	uments have been received.					
2. Certified copies of the priority doc						
3. Copies of the certified copies of the		received in this National Stage				
application from the International		rosoivad				
* See the attached detailed Office action fo	r a list of the certified copies not	received.				
Attachment(s)	· · · · · · · · · · · · · · · · · · ·	Summan (PTO 412)				
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-</li> </ol>	948) Paper No	Summary (PTO-413) (s)/Mail Date				
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5)  Notice of 6) Other:	Informal Patent Application				

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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 42-62 and 83-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemm et al (US Patent 4,191,743) in view ob Desmarais et al (US Patent 6,209,430).

Regarding <u>claim 42</u>, Klemm discloses a method for making a wound dressing including at least one piece of sheet-form melamine foam c or d having a thickness of 0.5-10 mm (foam c) or 0.3-2 mm (foam d) which is sufficiently small to exhibit flexibility and no flexural elasticity (see pending specification at p.6, line 21 to p.7, line 10; Klemm et col. 3, line 60 to col. 5, line 39).

However, Klemm does not disclose tangential cutting as claimed by the applicant. Regarding this difference, the applicant is directed to the reference of Desmarais et al.

Desmarais discloses a method for continuously producing a web from a block of material. As shown in Figs. 1-3, blade mechanism 7 is positioned adjacent to foam block 1. This blade tangentially cuts the block 1 into a continuous web or strip 11 in the manner claimed by the applicant. It would have been obvious to one having ordinary skill in the art to employ the tangential cutting technique disclosed by Desmarais to

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produce the sheet-form melamine foam materials of Klemm in order to achieve predictable results.

Further, it is the examiner's position that the steps of deriving at least one piece of sheet-form melamine foam from the strip and forming an article from the at least one piece of sheet-form melamine foam, the article having a total thickness, are inherent steps in the above combination of Klemm in view of Desmarais.

Regarding <u>claims 43, 46-47, and 51</u>, the article has two opposing main free faces with one of the main free faces being of melamine (i.e., layer c or d) (scouring free face). There is provided reinforcing layer a, or a with another melamine layer (claim 47), or another melamine layer or layers (claim 47) as another face, or layer b. Claim 48, reinforcing layer a is made of a material different from melamine foam. Layer a is rubber which has a tear strength higher than that of melamine foam. Claim 50 and also claim 51, the article has at least one reinforcing layer d or c made for an absorbent material of melamine. Claim 52, Figure 5 demonstrates opposing main free faces which are melamine foam (scouring free faces) layers d and d having reinforcing layer c therebetween.

Regarding <u>Claims 56-57</u>, Klemm teaches layer b is a mesh of treads which are a synthetic resin or other material but does not teach layer b of a mesh of the materials claimed. Layer b of Klemm holds the antibiotic layer and the materials claimed are conventional in the wound dressing art are materials for such a layer, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made

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to have provided in Klemm using these materials in stead because it is obvious to replace one mesh material with another art recognized alternative mesh material.

'Regarding claims 44-45, in Klemm in view of Desmarais foam c from the strip is 0.5-10 mm and foam d from the strip of 0.3-2 mm which overlap the claimed range of less than or equal to 1 mm and which teach approximately 0.8 mm.

Regarding <u>claim 49</u>, the article includes at least one main free face which is an absorbent free face formed in part by at least one piece of absorbent material in that free layers c and d are melamine.

Regarding <u>claims 53-54</u>, the article has a total thickness of less than 5 mm (see thickness values in column 4 for layers a, b, c, and d). Claim 57, Klemm teaches that at least a portion of the thickness of the article is impregnated with a softened fluid composition before being packaged (c 4, L 39-46) in that a layer b of mesh is impregnated with a softened material during formation of the article, i.e., pre packaging (c 6, L 21-29).

Regarding <u>claims 58-59</u>, the composition is a bactericidal disinfectant antiseptic (c 1, L 55, to c 4, L 8).

Regarding <u>claim 60</u>, a solid composition capable of dissolving in the presence of a liquid so at to be able to release an active agent is incorporated into at least a portion of the thickness of the article (c 3, L 31-41).

Regarding claim 61, the article is wrapped (c 4, L 39-46).

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Regarding <u>claim 62</u>, layers a, b, c, and/or d are laminated by means of an intermediate heat-activable adhesive film in outer surface of layers a, c, and d are melted to bond thus acting a heat-activable adhesive film.

Regarding <u>claims 83, 86 and 88,</u> Desmarais shows strip 11 being peeled from block 1.

Regarding <u>claims 84</u>, Desmarais shows rotating the foam block 1 during the cutting step.

Regarding <u>claims 85 and 87</u>, Desmarais discloses winding strip 11 on a roll (see col. 4, lines 66-67).

Regarding claim 89, Desmarais discloses rotating foam block 1 while tangentially cutting, withdrawing strip 11 as it is peeled and winding strip 11 on a roll (see col. 4, lines 66-67). It is the examiner's position that synchronizing the rolls is well known and conventional in the art and would have been obvious to employ in Desmarais in order to more easily collect the strip material 11.

## Response to Arguments

3. Applicant's arguments filed May 10, 2007 have been fully considered but they are not persuasive.

Applicant argues KLEMM merely suggests melamine foam as one among other materials to form layer (c). However, KLEMM does not disclose layer (c) effectively made of melamine foam. The examiner does not agree. KLEMM only discloses several foamed materials including melamine. See col. 4, lines 18 of KLEMM. It is the

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examiner's position that such a disclosure is sufficient to meet the limitations of applicant's claims. Thus applicant's argument is believed to be incorrect in this instance.

Applicant's arguments with respect to claims 42-62 and 83-89 have been considered but are moot in view of the new ground(s) of rejection.

### Telephone/Fax

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is 571-272-1237. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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#### Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

JAMES SELLS
PRIMARY EXAMINER
TECH. CENTER 1700